NOTIFICATION.

No. L.D. 1151, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Suits Valuation Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE SUITS VALUATION BILL, 1951.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of courts with respect thereto; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Suits Valuation Act, 195 . Short title and commencement.

(2) It shall come into force at once.

PART I.

SUITS RELATING TO LAND.

2. This part shall extend to such local areas, and come into force therein on such dates as the State Government may, by notification in the *Mysore Gazette*, appoint. Extent and commencement of Part I.

3. (1) The State Government may make rules for determining the value of the land for purposes of jurisdiction in the suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi and paragraph x, clause (d). Power for State Government to make rules determining value of land for jurisdictional purposes.

(2) The rules may determine the value of any class of land, or of any interest in land in the whole or any part of a local area and may prescribe different values for different places within the same local area.

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Mysore Court Fees Act, 1900, section 4, paragraph (iv), or Schedule II, article 11, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (1) The State Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under the section shall not take effect till the expiration of one month after the rule has been published in the *Mysore Gazette*.

Repeal of section 11 of the Mysore Act I of 1883.

6. On and from the date on which rules under section 3 take effect in any local area, section 11 of the Mysore Civil Courts Act, 1883, shall stand repealed as regards that local area.

PART II.

OTHER SUITS.

Extent and commencement of Part II.

7. This part extends to the whole of the State of Mysore and shall come into force on the first day of July, 1951.

Court-fee value and jurisdictional value to be the same in certain suits.

8. Wherein suits other than those referred to in the Mysore Court Fees Act, 1900, section 4, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* under the Mysore Court Fees Act, 1900, the value as determinable for the computation of court-fees and the value of purposes of jurisdiction shall be the same.

Determination of value of certain suits by High Court.

9. When the subject matter of suits of any class, other than suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi, and paragraph x, clause (d) is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Mysore Court Fees Act, 1900, and of this Act and

any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

10. (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court unless—

(*a*) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate court in the memorandum of appeal to that court, or

(*b*) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (b) of that sub-section, and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction

under section 115 of the Code of Civil Procedure, 1908, or other enactment for the time being in force.

(5) This section extends to the whole of the State of Mysore and shall come into force on the first day of July, 1951.

Proceedings pending at commencement of Part I or Part II.

11. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any court,—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

Statement of Objects and Reasons.

By the Mysore Civil Courts (Amendment) Bill, it is proposed to enhance the appellate jurisdiction of District Courts and to abolish second appeals to the High Court in respect of suits for recovery of immoveable property when the amount or value of the original suit does not exceed Rs. 1,000.

Under section 11 of the Mysore Civil Courts Act, 1883, when the subject matter of any suit or proceeding is land, a house or a garden, its value for purposes of jurisdiction should be fixed in the manner provided by the Mysore Court Fees Act, 1900. According to section 4 of the latter Act, where the subject matter is land, its value is assessed at twenty times the land revenue payable where the land revenue is settled permanently and ten times the land revenue where the land revenue is not settled permanently. Although the price of land has risen considerably in recent times, the land revenue payable thereon has remained almost stationary. Consequently when section 15 of the Civil Courts Act is amended, no second appeal will ordinarily lie to the High Court unless the revenue payable on the land which is the subject matter of the suit is more than Rs. 50 in cases where the revenue is settled permanently or Rs. 100 in cases where the revenue is not settled permanently, although the market value of the land may be much more than Rs. 1,000. Similarly, by the enhancement of appellate jurisdiction of the District Courts, no first appeal will lie to the High Court in

respect of suits relating to land unless the revenue payable is more than Rs. 500 in cases where the revenue is settled permanently or Rs. 1,000 where the revenue is not settled permanently, whatever the market value of the land may be. In order to mitigate the hardship on this account, it is considered desirable to enact a law to regulate valuation of suits on the lines of the Central Suits Valuation Act. Hence the Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.